

S/N 09/870407

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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E66.
PATENT 5.1.03

Applicant: Douglas J. LaCount *et al.*

Examiner: Gerald G. Leffers

Serial No.: 09/870407

Group Art Unit: 1636

Filed: May 30, 2001

Docket No.: 875.030US1

Title: METHOD OF RAPIDLY GENERATING DOUBLE-STRANDED RNA AND
METHODS OF USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

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Applicant has reviewed the Restriction Requirement mailed March 19, 2003, wherein the Examiner has requested election of one of the following groups:

- I. **Claims 1-29**, drawn to a eukaryotic double-stranded RNA (dsRNA) expression vector, and host cells comprising the expression vector.
- II. **Claims 30-49**, drawn to a vaccine comprising a eukaryotic double-stranded RNA (dsRNA) expression vector and methods of use to protect a susceptible mammal against colonization or infection by a pathogen.
- III. **Claims 50-68**, drawn to methods of generating a dsRNA comprising culturing a eukaryotic host cell that contains a eukaryotic double-stranded RNA (dsRNA) expression vector, and methods of screening designated nucleic acids capable of inhibiting expression of an essential eukaryotic gene.

Applicant provisionally elects, with traverse, the claims of Group I (claims 1-29).

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of all of the claims of the present application can be made without serious burden on the Office. Claims 1-29 (Group I) are directed to a eukaryotic double-stranded RNA (dsRNA) expression vector, and host cells comprising the expression vector; claims 30-49 (Group II) are directed to a vaccine comprising a eukaryotic double-stranded RNA (dsRNA) expression vector and methods of use to protect a susceptible mammal against colonization or infection by a pathogen, and claims 50-68 (Group III) are directed to methods of generating a dsRNA

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comprising culturing a eukaryotic host cell that contains methods of generating a dsRNA comprising culturing a eukaryotic host cell that contains a eukaryotic double-stranded RNA (dsRNA) expression vector, and methods of screening designated nucleic acids capable of inhibiting expression of an essential eukaryotic gene, and methods of screening designated nucleic acids capable of inhibiting expression of an essential eukaryotic gene. Given the close relationship between the subject matter of the claims due to the fact that they all involve a eukaryotic double-stranded RNA (dsRNA) expression vector, no additional serious burden can result from the search and examination of all of the claims. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

The Examiner is invited to contact Applicants' Representative if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

DOUGLAS J. LACOUNT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Date 14 April 2003

By Ann S. Viksnins

Ann S. Viksnins

Reg. No. 37,748

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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
☒ An Response to Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Ann S. Viksnins
Atty: Ann S. Viksnins
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